

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, August 6, 2014

9:00am

In attendance: Dennis Brennan

Stanley Davies, Chair

Robert Eva

Steven Gray

Bobby Joe Harris

Jack King

Charles Wright

**Board members not in attendance: Timothy Byrne, Fred Foeri,
Michael Januario and Quinlan T. Regan**

**Also in attendance were Nick Ranone, Chief Mechanical Investigator;
and Valentino Lombardi, DLT Legal Counsel**

1. – Call to Order: Stanley Davies called the meeting to order at

9:05am.

2. – Minutes of June 4, 2014 meeting: Motion was made by Charles Wright to accept the minutes of the previous meeting as presented, seconded by Bobby Joe Harris and passed unanimously by the Board.

3. – Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Valentino Lombardi, DLT Legal Counsel, addressed the Board reminding board members to disclose any conflicts on matters before the board.

4. – HEARINGS:

Andres Ixcuna Cahuil – Violation #4845: Does not appear.

Thomas P. Murphy Sr DBA Hurricane Air – Violation 4850: Does not appear.

Charles Wright later made a motion that the respondents for Violation 4845 and 4850 be renoticed for the next meeting. The motion was seconded by Steven Gray. There was no opposition.

**Albert Randazzo DBA Lighthouse Propane Inc. – Violation 4847:
Deleted from agenda.**

Dan Del Bonis DBA: A1 Restaurant Supply – Violation 4853: Dan DelBonis, Respondent; Robert Fratus, RIDLT; E. Patrick Luther, RIDLT; and Nicholas Ranone; RIDLT, are sworn in for testimony. Mr. Ranone reads the violation.

DATE VIOLATION WRITTEN: 5/22/14; VIOLATION # 4853

NAME OF VIOLATOR: Dan Del Bonis DBA A1 Restaurant Supply, 221 Admiral St, Providence, RI 02908

LOCATION OF VIOLATION: Coast Guard House 40 Ocean Rd. Narragansett, RI 02882

VIOLATION: On 3-19-2014, Mr. E. Patrick Luther, Chief Plumbing Investigator, and Mr. Robert Fratus, Chief Electrical Investigator, witnessed Mr. James E. Flood and Mr. Ernest R. Bertulli, both are employees of A1 Restaurant Supply, installing a sheet metal kitchen exhaust hood at the above mentioned location. Mr. Flood and Mr. Bertulli do not hold sheet metal licenses with the State of RI. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (Two (2) unlicensed employees.)

Also, no permit was issued with the Town of Narragansett. This is

one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Two (2) violations at \$500.00 each. Total \$1000.00.

The Board questions Nicholas Ranone and E. Patrick Luther.

Dan Del Bonis provides testimony and is questioned by the Board.

The Board continues questioning parties.

Robert Eva made a motion that a violation was made. The motion was seconded by Steven Gray. Dennis Brennan, Robert Eva, Steven Gray, and Jack King were in favor. Bobby Joe Harris was opposed. Charles Wright abstained. Motion passed.

Robert Eva made a motion to uphold the fine. The motion was seconded by Bobby Joe Harris. Charles Wright abstained. All others were in favor. Motion passed.

The recommendation will be forwarded to the Deputy Director.

James E. Flood – Violation 4852: James Edward Flood is sworn in for testimony. Robert Fratus, E. Patrick Luther and Nicholas Ranone were previously sworn in for testimony. Mr. Ranone reads the

violation.

DATE VIOLATION WRITTEN: 5/22/14; VIOLATION # 4852

NAME OF VIOLATOR: James E. Flood, 232 Flora Ave, Woonsocket, RI 02895

LOCATION OF VIOLATION: Coast Guard House 40 Ocean Rd. Narragansett, RI 02882

VIOLATION: On 3-19-2014, Mr. E. Patrick Luther, Chief Plumbing Investigator, and Mr. Robert Fratus, Chief Electrical Investigator, witnessed Mr. James E. Flood, an employee of A1 Restaurant Supply, installing a sheet metal kitchen exhaust hood at the above mentioned location. Mr. Flood does not hold a sheet metal license with the State of RI.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

E. Patrick Luther provides testimony. James Flood provides testimony and is questioned by the board.

Charles Wright made a motion that Violation 4852 did occur. The motion was seconded by Steven Gray. There was no opposition. Motion passed.

Robert Eva made a motion to suspend the fine for one (1) year. The

motion was seconded by Charles Wright. There was no opposition.

The recommendation will be forwarded to the Deputy Director.

Dan Del Bonis DBA: A1 Restaurant Supply – Violation 4855: Parties have been previously sworn in for testimony. Nicholas Ranone reads the violation.

DATE VIOLATION WRITTEN: 5/22/2014; VIOLATION #4855

NAME OF VIOLATOR: Dan Del Bonis DBA A1 Restaurant Supply, 221 Admiral St, Providence, RI 02908

LOCATION OF VIOLATION: Coast Guard House 40 Ocean Rd. Narragansett, RI 02882

VIOLATION: On 3-20-2014, Mr. E. Patrick Luther, Chief Plumbing Investigator, and Mr. Robert Fratus, Chief Electrical Investigator, made a return site visit and again witnessed Mr. James E. Flood and Mr. Ernest R. Bertulli, both are employees of A1 Restaurant Supply, installing a sheet metal kitchen exhaust hood at the above mentioned location. Mr. Flood and Mr. Bertulli do not hold sheet metal licenses with the State of RI. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (Two (2) unlicensed employees.)

Also, a permit was still not issued with the Town of Narragansett.

This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Mr. Luther and Mr. Fratus having previously visited this job site on 3-19-2014 and explaining to Mr. Del Bonis that any employees working for him installing duct work would need to hold sheet metal licenses with the State of RI, and a permit must be issued with the Town of Narragansett, this would now be a willful violation, therefore, all fines would be assessed at \$950.00 each.

Two (2) violations at \$950.00 each. Total \$1900.00.

Charles Wright states the violation of RIGL 28-27-20 for not having a permit should be eliminated as he was already fined for this with the previous violation (4853).

E. Patrick Luther, Robert Fratus and Dan Del Bonis provide testimony and are questioned by the Board.

Charles Wright made a motion that a violation of RIGL 28-27-6 did occur. The motion was seconded by Robert Eva. There was no opposition. Motion passed.

Charles Wright made a motion that the fine having been reduced with the elimination of the fine for RIGL 28-27-20 State and municipal installations and permits and a fine of \$950.00 be upheld. The motion

was seconded by Robert Eva. There was no opposition.

The recommendation will be forwarded to the Deputy Director.

James E. Flood – Violation 4858: Parties were previously sworn in for testimony. Nicholas Ranone reads the violation.

DATE VIOLATION WRITTEN: 5/22/14; VIOLATION # 4858

NAME OF VIOLATOR: James E. Flood, 232 Flora Ave, Woonsocket, RI 02895

LOCATION OF VIOLATION: Coast Guard House 40 Ocean Rd. Narragansett, RI 02882

VIOLATION: On 3-20-2014, Mr. E. Patrick Luther, Chief Plumbing Investigator, and Mr. Robert Fratus, Chief Electrical Investigator, made a return site visit and again witnessed Mr. James E. Flood, an employee of A1 Restaurant Supply, installing the sheet metal kitchen exhaust hood at the above mentioned location. Mr. Flood does not hold a sheet metal license with the State of RI.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

Mr. Luther and Mr. Fratus, having previously visited this job site on 3-19-2014 and explaining to Mr. Flood that he would need a RI Sheet

Metal license to do this type of work in RI, this would now be a willful violation, therefore, all fines will be assessed at \$950.00 each.

The Board has discussion.

Testimony is provided by James Flood and E. Patrick Luther.

Regarding Violation 4858 of RIGL 28-27-28 Practices for which a license is required, Charles Wright made a motion that a violation did occur. The motion was seconded by Jack King. There was no opposition. Motion passed.

Charles Wright made a motion to suspend the fine for one (1) year. The motion was seconded by Jack King. Motion passed with Dennis Brennan in opposition.

The recommendation will be forwarded to the Deputy Director.

Troy M. Dinapoli DBA Bay State Air Inc – Violation 4867: Robert J. Gaj, DLT; and Troy Dinapoli, Bay State Air Inc, are sworn in for testimony. Nicholas Ranone reads the violation

VIOLATION WRITTEN: 6/12/2014; VIOLATION # 4867

NAME OF VIOLATOR: Troy M. Dinapoli DBA Bay State Air Inc, 243 Central Ave Medford MA 02115

**LOCATION OF VIOLATION: Shaws Market 1500 Diamond Hill Rd.
Woonsocket, RI 02895**

VIOLATION: On 6-3-2014, Mr. Robert Gaj, Chief Licensing Examiner, witnessed Mr. William E. Moody, an employee of Mr. Troy M. Dinapoli (Bay State Air Inc), engaging in the repair of a rooftop HVAC unit at the above mentioned location. Mr. Moody does not hold any Refrigeration license which would allow him to work on this type of equipment with the State of RI.

Furthermore, Mr. Dinapoli does not hold a Refrigeration Master license with the State of RI, nor does Mr. Dinapoli employ a Master license holder listed as an officer of his company. This is two (2) violations of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 1, 2 b.)

Also, the one (1) company vehicle that was on the premises did not display a State of RI Refrigeration license number. This is one (1) violation of RIGL 28-27-19 License displayed in place of business.

Three (3) violations at \$500.00 each. Total \$1,500.00.

Nicholas Ranone enters a packet of 6 photographs taken on the job site as Exhibit A. The Board questions Mr. Ranone.

Robert Gaj provides testimony.

Troy Dinapoli, of Bay State Air, Inc., provides testimony and submits a letter from Key Point Partners as Exhibit B. Mr. Dinapoli is questioned by the Board.

Regarding Violation 4867, Jack King made a motion that a violation did occur. The motion was seconded by Bobby Joe Harris. The motion passed with Charles Wright in opposition.

Regarding the fine for Violation 4867, Jack King made a motion that the three violations at \$500 each for a total of \$1,500 be upheld. The motion was seconded by Bobby Joe Harris. There is discussion on the motion regarding the violation of RIGL 28-27-19 License displayed in place of business, for the license numbers on vehicles and work performed. There is no change in the motion. In favor were: Brennan, Eva, Gray, Harris and King; opposed: Wright. Motion passed.

The recommendation will be forwarded to the Deputy Director.

William E. Moody – Violation 4868: William Moody is sworn in for testimony. Robert Gaj and Nicholas Ranone were previously sworn. Nicholas Ranone reads the violation.

VIOLATION WRITTEN: 6/12/2014; VIOLATION # 4868

NAME OF VIOLATOR: William E. Moody 80 Forest Ave, Cohasset, MA
LOCATION OF VIOLATION: Shaws Market 1500 Diamond Hill Rd.
Woonsocket, RI 02895

VIOLATION: On 6-3-2014, Mr. Robert Gaj, Chief Licensing Examiner, witnessed Mr. William E. Moody, an employee of Mr. Troy M. Dinapoli (Bay State Air Inc. 243 Central Ave. Medford, MA. 02155), engaging in the repair of a rooftop HVAC unit at the above mentioned location.

Mr. Moody does not hold any Refrigeration license which would allow him to work on this type of equipment with the State of RI.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

The Board questions Mr. Ranone. Robert Gaj provides testimony and is questioned by the Board. William Moody provides testimony.

Regarding Violation 4868, Jack King made a motion that a violation did in fact occur. The motion was seconded by Bobby Joe Harris. In favor were: Brennan, Eva, Gray, Harris and King; opposed: Wright. Motion passed.

Regarding the fine for Violation 4868, Jack King made a motion to waive the fine for one (1) year pending no violation. The motion was seconded by Bobby Joe Harris. There was no opposition. Motion

passed.

The recommendation will be forwarded to the Deputy Director.

End of hearings.

5. – Santo Pimentel to petition the board to sit for Refrigeration exam:
Nicholas Ranone addressed the Board that Santo Pimentel is from Puerto Rico and would like to sit for the Refrigeration exam. Board members review Mr. Pimentel's credentials. The Board questions Mr. Pimentel through an interpreter.

The board advised Mr. Pimentel that he needs to work for a Refrigeration Master 1 or 2 and should sign up as an apprentice and appeal to the State Apprenticeship Council for credit towards schooling and on the job training hours.

6. – Old Business – Review of proposed changes to Rules and Regulations and proposed licenses: No action taken.

**** For general information board members were informed of the legislation increasing penalties for violations.**

7. – Adjournment: A motion to adjourn was made by Charles Wright; seconded by Steven Gray and passed unanimously by the Board. The meeting adjourned at 10:40am.